

PLANNING BOARD MEETING MINUTES

Minutes of the Augusta Planning Board meeting held on October 18, 2016

Board members present: Justin Poirier, Steve Dumont, Delaine Nye, Corey Vose, Tom Connors, Dorean Maines, Pete Pare, Alison Nichols

Board members absent: Bill McKenna

City staff present: Matt Nazar, Betsy Poulin, Stephen Langsdorf (Corporation Counsel)

Guests present: Keith Edwards, Linda Conti, Michael Hall, Maryann Griffin, Ed Hastings, Robin Miller, Stanley C. Koski, Jane Ezzy, Roy Woodborrow Jr., Anne Site, Cheryl Clukey, Roberta Record, Chris York, Carie Johnson, Patsy Tessier, Sylvie, Ruth Pelotta, Erica Asch

Public Hearing: Proposed Land Use Ordinance revisions per City Council request. Meeting topics include definitions and Land Use Chart revisions for group homes, boarding homes, rooming houses, homeless shelters, sober homes, and religious activities & associated uses.

Matt Nazar gave an overview of his memo and brief summary of the last meetings. Definitions in the memo include Dwelling Unit, Group Home, Community Living Arrangement, Boarding Home (to be eliminated/becomes part of Rooming House), Rooming House, Religious Activities and Associated Uses to change to Place of Worship, Shelter (Small and Large), and Meal Center and Food Pantry.

Stephen Langsdorf: There are many federal regulations we need to keep in mind. The Federal Fair Housing act notes that group homes need to be regulated in the same way as multifamily homes. Appropriate uses should be allowed in the appropriate districts with the appropriate impact to the uses around them. Being a religious organization, should not give a super exemption to have larger impacts to the neighborhood than other users. The concern is the impact on the neighborhoods, in regards to traffic, etc. The goal is to have the appropriate level of concern and protection for residences and to be compatible.

Justin: Is the 16 hours under Place of Worship from other land use rules?

Matt: No, it is new to have a specific number. This is a way to better quantify. He reads the definition of Accessory Use. The hours noted help define whether it is a subordinate use.

Delaine: This is for each single use? Christmas fair, clothing distribution, etc.

Justin: This is not an effort to have people report the uses, just to have a standard to use in case there are complaints.

Delaine: Place of Worship definition removed "accessory uses".

Matt: Yes, it redefined how the definition reads so primary use is now considered instead of accessory use.

Alison: Are the 5 uses listed in Place of Worship meant to be the only ones, or are they examples? Reads a new proposed definition.

Matt: Yes, this sounds good. Would you give me your markup definition after the meeting?

Corey: Do we have a copy of where the Meal Center and Food Pantry would be located?

Matt: No, a new chart was not provided.

Delaine: The social services are currently distributed across the city, but this seems to make them more central. Seems we should be looking at this in a way to help care for the homeless and indigent in a better way.

Matt: Agrees, these are real concerns. A few meetings have occurred at the request of the Mayor. A move has been made in the direction you are thinking about. This is beyond what the Planning Board is doing currently. The Planning Board is only being concerned with the zoning currently.

Stephen: The Board should be looking at where this use is appropriate and how it would fit into a neighborhood/zone.

Delaine: When looking at the zones, we need to be looking at a place which can provide a wide variety of uses.

Justin: Uses can overlap in certain districts to meet more needs.

Alison: In all of these hearings, it has struck her that the different religious and social service entities are working individually to the same goals.

Matt: Separating the uses does not separate where they are located, that is what you were getting at Delaine?

Delaine: Yes. An associated concern is that these uses could be within walking distance. Currently they are accessible by car or public transport as well. All the uses might not have to be in walking distance.

Corey: When PD2 was created, it was to be held to a stricter standard.

Matt: Yes, with different review standards as well.

Corey: Everything allowed in PD is also allowed in PD2 in the charts, this should be discussed. Should be consistent with the protection of all neighborhoods in the city with the other uses.

Pete: Under Place of Worship, the 16 hours. If something is greater than 16 hours of use, it would be deemed a separate principal use.

Matt: 16 hours or less is an accessory use. Over 16 hours becomes a principal use. Any accessory use is allowed. Principal uses would only be allowed if they are allowed in that district. For accessory use, it is harder to pick out all the uses, so they were not specifically defined.

Stephen: Defining the accessory uses could start infringing on rights, so they weren't defined.

Alison: Are multifamily dwellings allowed in all zones?

Matt: No. Reads the areas where they are not allowed, primarily the residential districts.

Alison: Group Homes greater than 8 have to be allowed where multifamily dwellings according to the fair housing act?

Matt: Yes.

Alison: Could it be a conditional use?

Matt: No, it would have to be treated in the same way.

Alison: Looking at ways to look at larger Group Homes with a higher level of review.

Pete: Last week, the 21 bed facility approved, falls under Group Home. There are lots of different types of group homes which could be reviewed in the future.

Stephen: Potentially, the Riverview group home could be looked at differently, but this could be addressed in the future.

Dorean: When looking at the Land Use Chart there is a section called institutional. Some of the group home definitions could fall under this instead of group home.

Matt: Group Home is currently under Institutional in the Land Use Chart, but this might need to be revisited. The titles were created to easily find uses.

Dorean: Would any group home fall under this definition, even if it is very large?

Matt: The site size could limit the size of a group home. It would fall under site review most likely. It would also depend on which districts they are allowed.

Justin: Where larger group homes are allowed would expand. If multifamily housing was removed from certain zones, the larger group homes would be restricted.

Public Comment Opened.

Chris York, 48 Green Street: Group Homes are licensed by the state?

Matt: Yes.

Chris: How is sober house defined?

Matt: It would be under Rooming House.

Chris: So the same parking and other standards would apply?

Matt: The parking requirements and other standards in the ordinance would be followed.

Carie Johnson, Minister of the Unitarian Universalist Church: Wants to thank the Board. You have listened to what you heard from comments. Feels the definition is very reasonable and will not put an additional burden on the institutions or neighborhoods.

Caroline Neighoff, Founder of Bread of Life Ministries and was part of the Augusta School Department: Had a hard time hearing the comments, maybe the mics weren't working. There are many people in the community who are interested in helping those in need. The soup kitchen was put downtown because at the time, it seemed like the best location. The homeless shelter, finally settled in on where they are located, after numerous neighborhood meetings. Behind all of the organizations and group homes, there are people who really care about people. Feels the soup kitchen is in the right place, but maybe not? Concerned about trying to tell the church what they can do. Feels bad for St. Mark's so that they will be regulated about how they can use their property. No matter where you put anything, there will always be someone who says not in my backyard. Feels the soup kitchen is not a detractor for the downtown.

Patsy Tessier, Manager of the Bread of Life Kitchen for the last 16 years: The kitchen has been there for 32 years. It would be horrible for downtown Augusta to lose the kitchen, Sylvie and Ruth, a few of our volunteers would like to share their thoughts.

Sylvie, Retired Professor from UMF: Has been helping at the kitchen every Tuesday for the last year. The kitchen is a haven of peace and it provides community and camaraderie. Start the meals with a prayer. Guests are all ages. Everyone is welcome. Many guests come regularly. Reads a Dale McCormack quote from paper, looking for more affordable housing. More subsidized housing works. The restaurant needs to be in walking distance of homes. Meals are

served from 11-12:30pm. Falling within the restrictions proposed for an accessory use. The effort to rezone St. Mark's neighborhood seems ill advised.

Ruth Pelotta, recently retired: Started at the soup kitchen last March. Echoes Sylvie's comments. Reads favorable and complementary comments from a person who used the soup kitchen recently.

Michael Hall, Executive Director of the Augusta Downtown Alliance. The Bread of Life has been a great neighbor for many years. There are issues with the amount of people using the facility and with neighboring business owners. The downtown is working to get some more market rate housing.

Patsy Tessier: There have been issues with people congregating before meals being served. Over the last 2-1/2 months there have been fewer issues because some self-policing has been underway.

Erica Asch, Rabbi at Temple Beth-El in August: Appreciates removing the two size designations for Place of Worship and the changes to Accessory/Principal Uses. She went around to the neighborhood to let them know when the Temple would be having fall and winter activities and to let them know where people are being directed to park. Feels it is good to be a good neighbor.

Linda Conti, 21 Spring Street: The Planning Board is doing a lot of work and would like this to come to Council soon. The accessory use on the Place of Worship bothers her. Feels it shouldn't apply if you are doing things with your own congregation. It only becomes an issue when people who are not part of the worship community come and there is not enough room for parking, or too much traffic, etc.

Public Hearing Closed (8:17pm)

Stephen: In response to Councilor Conti's concerns, feels the Planning Board has made great strides with these issues.

Justin: Feels we haven't addressed the concerns, because the definitions have changed, but the places they are allowed is larger.

Corey: Feels it is important to get to Council, but wants to make a good recommendation.

Delaine: The progress we have made is largely due to Matt Nazar, thank you.

Matt: It has been a joint effort with Corporation Counsel. Ambiguities in the ordinance have been addressed. The size of uses to go onto larger lots is addressed in the ordinance. Larger group homes would require site plan review, and Planning Board review. A proposed historic district is in the west side neighborhood and a new committee is being formed. This will have very significant limitations about what can be torn down and how it can be used. The new district should be created in the next 6-8 months.

Stephen: The group homes are highly regulated. The moratorium was enacted due to a poor definition in the code for group homes and boarding homes. Religious uses came up as part of this definition reconfiguration. Hasn't heard a concern about larger group homes coming up in parts of the city.

Justin: Feels some people on the Board had concerns with the Group Home/Riverview facility approved last week.

Corey: Feels these definitions and locations of uses affect the entire city. The definitions are good. Has concerns with the table of uses. Does not feel comfortable voting in favor of the Land Use Chart. The only review the Planning Board can have for larger group homes is site plan review, for location of plant material and parking lot striping.

Matt: Yes, this is true.

Corey: Wishes the Land Use Chart would have been clearer at the beginning, and included the multi-family. Still has concerns. Feels this could be moved to City Council, and more conversations could be had by the Board.

Matt: This is a good idea.

Corey: Rooming Houses could be a conditional use?

Matt: True, not regulated under the fair housing act.

Alison: Could more of these uses be conditional, including multifamily houses, to allow for more review by the Planning Board? Feels they could be changed to permitted later, after more Board review.

Pete: Could this be moved to the City Council in parts?

Matt: It shouldn't, they are all connected.

Corey: Group Home isn't solved.

Matt: Moving a recommendation to Council with multifamily and group homes being conditional use, could be a good idea.

Delaine: Agrees.

Alison: Let's look at where the multifamily dwellings are located.

Corey: Feels reviewing the chart would be hard to do, to remove permitted uses.

Alison: Change multifamily to conditional use. Group homes would be treated equally as a conditional use. Rooming House, which includes a sober home, is it appropriate for them to appear where they are listed in the Memo?

Corey: They should either be conditional use, or not allowed.

Matt: What he has recommended for Rooming Houses, is exactly what is allowed today.

Alison: Rooming houses are 3 or more, so they could be large.

Matt: Yes.

Corey: Feels Rooming Houses should be conditional uses, wherever they are located.

Matt: Rooming house could be a sober house, traditional rooming house, family violence project housing is included.

Corey: Any expansion would have to come to the Board for approval.

Matt: Yes, if the expansion isn't too small, under 500 square feet.

Corey: Feels Rooming Houses could be removed from the 4 residential zones, but he could be OK with them being conditional uses, as noted on the table.

Alison: Agrees with changing all the rooming houses to conditional uses.

Alison: Places of worship. Suggests adding to RPDS and RBV. Doesn't feel it needs to be a conditional use.

Corey: Feels any new church would want to grow, the dynamic of new facilities can change at any point. OK with the permitted locations.

Tom: Fixated with the 16 hours for the accessory uses, depending on the number of uses.

Adding these accessory uses together could have a large impact. Is there an option to decrease the hours for accessory use?

Delaine: Feels the quantity of uses wouldn't get too overwhelming.

Corey: Concerned more with additional parking being required/needed for the accessory uses.
OK with conditional use review.

Dorean: For the 16 hours, the definition says operate, but really the hours of operation would include prep, cleanup, etc. This timeframe is longer, should it be considered

Audience Member: Bread of Life is open for an hour and a half for the meal. 6am to 1:30pm is the prep/cleanup time. Lots of food donations are accepted. All volunteers.

Delaine: The soup kitchen would not fall under "accessory uses" of Place of Worship. It is a separate use.

Alison: Is the definition OK for Place of Worship?

Corey: Concerned with new or significantly expanded uses needing new parking.

Matt: Townsend Road Spiritualist Church came before the Board a few years ago. The Board had them comply with the parking requirements. Any new development would need to meet site plan review standards.

Alison: The definition and location of Place of Worship can remain as noted in the memo, adding RPDS and RBV for permitted zones.

Alison: The Augusta Food Bank spoke with us a while back and they are proposing to go in the RD zone, so this area should be added as a conditional use.

Corey: It should be a conditional use in all the districts noted in the memo.

Alison: Shelters (Large) should be conditional use and add RD as a conditional use.

Corey: Feels Shelters (Small) could be conditional use too.

Alison: Feels Shelters (Small) could be removed from the 4 residential zones. RA, RB, RB1, RC. Added in RD as a conditional use. PD2 could be conditional use as well. Permitted in other areas as noted in the memo.

Corey: OK with this.

Alison: Everyone seems OK with the definitions, with the change for Place of Worship.

Matt: A motion can be made with the one definition change Alison noted. And the Land Use Table as discussed tonight.

Corey: So moved.

Seconded by Alison.

Vote: 7:0. All in favor. Motion passes.

Adjourn:

Motion Alison to adjourn at 9:13 pm.

Seconded by Corey.

Further Discussion. None.

Vote: 7:0. All in Favor. Motion Passed.

Minutes by Betsy Poulin, Assistant Planner.